



Paper No. 8

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MINNEAPOLIS, MN 55402-3319

In re Application of :
Pfeiffer, et al. :
Application No. 09/129,468 :
Filed: August 4, 1998 :
Attorney Docket No. S01.12-0448 :
For: ASSEMBLY DEVICE FOR COMPONENTS
OF A DATA STORAGE SYSTEM AND METHOD
OF ASSEMBLY THEREFOR

**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS
ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed June 18, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned October 30, 2000 for failure to timely submit a proper reply to the non-final Office action mailed September 29, 2000. The non-final Office action set a one (1) month shortened statutory period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed June 5, 2001.

Petitioner states that the response to the outstanding Office action in the above-referenced application was deposited October 30, 2000 using the wrong application. A communication was received by the Office on November 6, 2000 (Certificate of Mailing date of October 30, 2000). This communication was matched to the serial number identified in the transmittal letter accompanying the communication, namely, serial no. 09/120,468. The communication did not timely reach the correct application (09/129,468) due to petitioner's error. As a result of this error, the application became unintentionally abandoned.

Correspondence directed to the Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the case captioning.

Additionally, the response submitted October 30, 2000 using the wrong serial number was not timely submitted. The Office action mailed September 29, 2000 set a one (1) month shortened statutory period of time for reply making a response due on or before October 29, 2000. As the response deposited October 30, 2000 contains a certificate of mailing date of October 30, 2000 and was not accompanied by a request for an extension of time, it is not found to have been timely submitted.

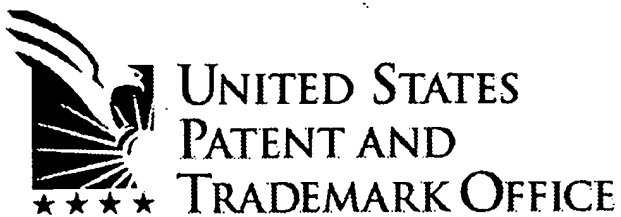
This application is being forwarded to Technology Center 3700 for

consideration of the amendment previously submitted.

Telephone inquiries concerning this matter may be directed to
Petitions Attorney Alesia M. Brown at (703) 305-0310.

A handwritten signature in cursive script, appearing to read "Alesia M. Brown for".

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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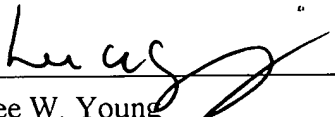
Paper No. **X8**

LETTER RESCINDING NOTICE OF ABANDONMENT

A Notice of Abandonment, Form PTO-1432, was mailed on June 5, 2001 in patent application Serial Number 09/129,468. The Notice of Abandonment alleged that applicant failed to file a response to the Office letter dated September 29, 2000.

A timely response to the Office letter in question, filed November 6, 2000, having a certificate of mailing dated October 30, 2000, has now been received in Technology Center. The response had the incorrect serial number but has now been associated with the correct file. Accordingly, the Notice of Abandonment is hereby RESCINDED.

Any inconvenience occasioned by the delay in associating the response with the application file is regretted.



Lee W. Young
Supervisory Patent Examiner
Patent Examining Group 3700